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Maryland Department of Planning

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Deputy Secretary

March 11, 2008

Steven E. Warren, Council President
Town of Willards
P. O. Box 98
Willards, Maryland 21874-0098

Dear Mr. Warren:

Thank you for the opportunity to comment on the draft Comprehensive Plan for the Town of Willards. The Department feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Overall, the draft Comprehensive Plan is well organized and does a good job of reflecting State planning law, policies and objectives.

Although the Willards draft Comprehensive Plan references House Bill 1141(HB1141), and indeed incorporates a section of the Plan entitled "Municipal Growth Element" (MGE), it appears that this Plan does not satisfy the requirements of HB1141 for a MGE due to lack of detail. We have provided within the attached comments a chart, which may assist the Town in dealing with the interrelationship between the Land Use, Community Facilities and Municipal Growth Elements. Furthermore, the draft Plan does not include a Water Resources Element, as required by HB1141.

Given the importance of maintaining the present unique character of Willards, we have prepared several comments, which are provided in the attachment to this letter. In addition, we forwarded a copy of the Plan to a number of State agencies for review including, the Maryland Historical Trust, the Departments of Transportation, Environment, Natural Resources, Business and Economic Development, Housing and Community Development, and Agriculture. Any plan review comments received to date from the various State agencies have been included as attachments for your consideration. Comments received after the date of this letter will be forwarded to you upon receipt.

The attached comments reflect our thoughts on ways to strengthen the Plan as well as satisfy State requirements. We hope that consideration will be given to all of our comments as revisions are made, and to any future plans, ordinances, and policy documents that are developed. We understand that a Public Hearing has not yet been scheduled; however, it is our wish that you add our comments to the record of any future hearing.

Mr. Steven Warren
March 11, 2008
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Please contact me at (410) 767-4500 or Keith Lackie, Regional Planner/Circuit Rider for the Lower Eastern Shore, at (410) 713-3460.

Sincerely,

Melissa Apple for Stephanie Martins

Stephanie Martins
Director, Land Use and Planning Analysis

Attachments

cc: Keith Lackie
Peter L. Johnston

**Maryland Department of Planning
Review Comments
Draft Willards Comprehensive Plan**

The Visions

Maryland's Planning Act of 1992 and subsequent legislation in 2000 requires that the eight Visions be included and implemented through the comprehensive plan. Overall, the Town has done a good job of incorporating the Visions into meaningful Plan goals, policies, and recommendations, rather than simply listing the visions with no further elaboration.

Development Capacity Analysis/Population Projections

We commend the Town on their incorporation of a build out analysis into the draft Willards Comprehensive Plan. The Town has done a good job defining the Growth Areas for the Town and linking them to the population projections. However, it would be helpful if a more detailed estimated timeframe for each of the three Priority Growth Areas were provided. Page 1-16 of the plan states that Priority Growth Area I, can accommodate 400 residential units, this is more than enough supply to accommodate the projected population increase of 537 persons or 212 households (based on average household size of 2.53 in 2000) by 2030.

The demographic information presented in the plan is generally based on data from the U. S. Bureau of the Census. These data are comparable to data we maintain. The population projections used in the plan (1,260 person in 2020 and 1,475 persons by 2030), are higher than preliminary projections we generated for reference purposes, but not so much higher that they are unreasonable. The Department would expect a population in Willards to increase to between 1,100 to 1,300 inhabitants by 2030.

In the context of planning it is important to strive for the proper balance between land supply (capacity) and demand (population).

- Provide too little land for development (be it on greenfields, redevelopment, or infill), and the land cost will become too high or development may spill over to adjacent jurisdictions.
- Provide too much land for development and it will tend to be used inefficiently. In addition, plans and growth controls will be marginalized because there are an abundance of locational options fore each new development.

House Bill 1141

Although the Willards Draft Plan references House Bill 1141(HB1141), and indeed incorporates a section of the Plan entitled "Municipal Growth Element" (MGE), it appears that this Plan does not satisfy the requirements of HB1141 due to lack of detail.

While it is closely linked to both the Land Use and Community Facilities Elements, a clear delineation between those sections and the Municipal Growth Element should be made. Incorporating the required HB1141 elements into the plan may bring some uncertainty as to where particular materials and analyses should be placed within the Plan. The following chart is a guide for identifying where particular elements would best be located. Please keep in mind that this is only a guide, and that the most important thing is that all of these elements are addressed somewhere in the plan.

ITEM	Muni Growth	Land Use	Com. Fac.
LAND USE/ DEVELOPMENT			
Present land use map		x	
Future land use map		x	
Future growth areas map	x		
Annexation limits map	x		
Urban/rural areas map			
Neighborhood/Planning Sector map		x	
Acreage inventory by land use/zoning	x		
Development Capacity Analysis	x		
Annexation policies/guidelines	x		
Existing/proposed development in neighborhood/planning areas	x		
Future land use acreage inventory by land use/zoning		x	
Acreage demand for future development		x	
Number and types of units projected	x		
General recommendations/guidelines for residential, commercial and industrial land use and development	x		
Design guidelines/Growth patterns		x	
Definitions/description of individual land use categories and densities		x	
Historic growth patterns	x	x	
COMMUNITY FACILITIES			
Existing community facilities inventory	x		x
Total facilities needed at build-out			x
Present shortages/problem areas			x

Projected additional facilities needs/locations	x		x
Recommended timeline for facilities needed to implement plan	x		
Growth/development's impact on facilities beyond municipal boundaries	x		x
Growth/development's impacts on facilities within municipal boundaries	x		
GOALS, OBJECTIVES, POLICIES		x	x

Furthermore, the draft Plan does not include a Water Resources Element, as required by HB1141. In order to fully comply with this requirement, the following items need to be addressed:

- Identify drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the Land Use Element of the Plan, considering available data provided by the Maryland Department of the Environment (MDE);
- Identify suitable receiving waters and land areas to meet storm water management and wastewater treatment and disposal needs of existing and future development proposed in the Land Use Element of the Plan; and
- MDE is required to review the water resources plan element to determine whether the proposed plan is consistent with the programs and goals of the Department reflected in the general water resources program required under Section 5-203 of the Environment Article. Resource issues to be addressed in this element include water resource protection areas, groundwater resources, water quality standards, and Total Maximum Daily Loads (TMDLs).

Finally, with respect to HB1141, the Bill amended the definition of Sensitive Areas, and this amendment became effective October 1, 2006. Therefore, Page "I-3" and the Sensitive Areas Element of the Plan should be amended to reflect the newly protected "agriculture and forest lands intended for resource protection or conservation".

Land Use and Growth Management Chapter

In a number of places, listed below, the plan recommends principles and guidelines for shaping the outcome of new development. All of these principles and guidelines should be illustrated. The results of purely text-based guidance are likely to be something other than what the Town had in mind.

Page 1-11: The Planned Development district will use "Smart Neighborhood" principles. Illustrations of a range of desired results should accompany the principles. In fact, with

26% of the Town at stake in this district, it might be worthwhile for the Town to create a form-based code for this district, based on a public charrette process. That way, everyone will know what the area is supposed to look like at buildout. With assurance that residents will support rather than oppose such development, developers may even be encouraged to foot the bill for needed water and sewerage.

The development standards mentioned for the Town Center district (page 1-9) and Commercial districts (page 1-13) should also be heavily illustrated. Since the commercial districts could function as a gateway to the town, a form-based code should be considered there, too.

The implementation recommendations on pages 1-21, 22 are good, but they should call for illustrated guidelines and, in the instances noted above, the creation of form-based codes. For example, the illustration of traditional neighborhood design on page 1-22 is very good, but nothing in the plan ensures that the resulting zoning and subdivision regulations will lead to development like that.

Resource Conservation Chapter

The Sensitive Areas section (Page 2-2) should be amended to reflect that the definition of “sensitive areas” has been amended by HB1141. Item #1 under Sensitive Areas should be ‘streams, wetlands and their buffers’ and a new “#6” should be added, to state, ‘agriculture and forest lands intended for resource protection or conservation’.

With respect to ‘agriculture and forest lands intended for resource protection or conservation’ as a newly defined sensitive area, it may be more appropriate to discuss long-term conservation efforts, as opposed to discussion (found on page 2-7) of the Forest Conservation Act, which by its very nature is a development driven process. Indeed, if the Town aims to become a well-planned, compact growth area, it might be worthwhile for the Town to explore how the County and Town may cooperate to create a greenbelt, thereby providing permanent protection to these sensitive areas.

Heritage Resources Chapter

The plan states that “[the] past is a building block for the future and, if a plan is to be comprehensive, it must incorporate that past as a key element of planning for the future.”

Such wording implies that historic preservation is being treated as an afterthought and not as an integral part of the economic revitalization of older towns such as Willards. The plan should say much more about a comprehensive approach to preservation as an economic development/ revitalization tool, and include a more thorough discussion of the various tax credits and incentives available, and what they can accomplish.

P 2-11: Please amend the second full sentence on this page to read “Consequently, the Lower Eastern Shore Heritage Management Plan is hereby incorporated, *and as may be amended from time to time*, by reference, in The Town of Willards Comprehensive Plan.”

The discussion of local historic overlay zones on 2-12 should make it clear that local zones have the authority to prevent demolitions and incompatible alterations and additions, while the National Register does not.

The recommendations on page 2-14 are good as far as they go, but the plan should consider a local preservation ordinance with teeth in exchange for the incentives mentioned. Recommendation #3 should recommend illustrated guidelines to ensure that new and renovated buildings reflect the Town's historic character.

Housing Chapter

Within the 'implementation recommendations' for this chapter, on Page 3-7, it is recommended that, for workforce an affordable housing, the Town should "allow modified and or flexible building codes to eliminate costly construction requirements". The building code is typically a minimum "life safety" code, and it seems that any modification of a building code would be resultant only in increased construction cost. Perhaps recommendation #6 should be stricken.

Transportation Chapter

The Plan should include a transportation policy statement that supports access management and coordinated land use and transportation planning along US 50 to protect capacity and safety of US 50

As the town grows, there may be a need for improving transit service to the residents of the Town. The Town may want to explore the need and feasibility of providing Park & Ride lots for transit users or car-poolers.

Referring to Map 4-2, the planned pedestrian/bike routes seem to be fragmented. Would it be feasible for the Town to plan a network of bicycle/pedestrian routes that could connect the Town Center, the elementary school, the Willards Park, the MD 340 corridor, and the proposed mixed-use development adjacent to US 50?

Implementation Chapter

Under the sub-heading "Capital Improvements", the Plan states "if the Town has not already initiated such action, Willards should prepare a five and ten year plan for capital improvements...". It should already be known if the Town has started such a Capital Improvement Plan and the Comprehensive Plan should address the issue accordingly.

Under the sub-heading "Building Codes", the Plan states "if the Town [of] Willards has not already adopted the 2000 International Building Code, it should do so." Again, It should already be known if the Town has adopted the Building Code and the Comprehensive Plan should address the issue accordingly.

GENERAL COMMENTS:

Table of Contents: The Table of Contents lists two “parts” of the Sensitive Areas section as being “Tree Preservation and Forest Conservation” (Part I and Part IX). This is not reflected within the text.

Spelling and editing: The Plan should be reviewed for grammatical and typographical errors. For example, within the Introduction section of the Plan most of the text references to the Tables are incorrect. As another example, the fist bullet under Recommendation #2, on page 2-13, states, “Development activities or other disturbances will not be prohibited in the protection area, unless it can be shown that these activities or disturbances will not have or cause adverse impact on the habitat”. The first “not” should be deleted for the sentence to say what was intended.

Specific Recommended Editorial Changes:

(Page I-3), paragraph above Planning Act Section, the reference to 66B should state “...Maryland is required to review, and if necessary, update their comprehensive land use plans...”

(Page I-5), last paragraph, second sentence does not make sense. The sentence states “Under HB 1141, if land uses under a proposed municipal zoning for an annexed area are substantially different from the land uses specified for the area in a county comprehensive plan [should read ‘zoning’] mitigation may be required if the county fails to approve the change.” What does the term “mitigation may be required” mean? Is this a reference to the five-year rule?

(Page 1-5) Both within Table 1-1 and the text the terms “Exempt Lands” and “Exempt Commercial” are used, and perhaps should be defined and/or discussed in more detail.

(Page 1-15) The Acreages for Growth Area 1 and 3 do not coincide with the numbers cited on the following two pages.

(Page 2-6) First sentence in the last full paragraph should read “...by regulating new construction and substantial improvements to existing structures”.

(Page 5-2) Last paragraph, second sentence, should place the Town’s wastewater treatment facility within the Pocomoke River “drainage area” or “watershed” not within the tributary itself.

Maps

The Maryland Department of Planning (MDP) currently shows all of parcel 580 inside Willard’s corporate boundary. Map 1-3 has a portion of this parcel as a Priority Growth Area 3, areas for future annexation. MDP has that this parcel was annexed in 2002, resolution 2002-2.

Map 5-4 Priority Funding Areas (PFA) should be revised to include all the categories of PFA. There are several parcels on this map that should be mapped as municipal comment area. Municipal Comment Areas are areas that have been submitted for PFA classification and are certified PFA but do not meet State criteria for PFA or these parcels were annexed into the Town prior to October 1, 2006, and retained the underlying PFA classification from the County at the time of annexation. The Town may resubmit these areas to MDP for PFA certification and will be reviewed in accordance with the Finance and Procurement Article §5-7B-02. We recommend that the Town look at these areas and areas of future annexation in the context of the Finance and Procurement Article §5-7B-02 to determine eligibility for State funding of growth related projects.

The PFA matches the Town boundary however the development densities do not meet PFA criteria. The PFA map does not have the information that the text states that it should, (5 and 10 year growth stages reflecting the water and sewer timing categories.) There is sufficient land identified to meet the growth goals for the Town of Willards at PFA densities.

Map 4-2 The map's legend references "Traffic Calming Measures" however, if present, these measures are not discernable.

The water and sewer facilities Maps 5-1 and 5-2 are difficult to read and should be produced for legibility and also include the location of the WTP and WWTP along with the service timing categories. The Plan mentions the annexation of the WWTP site however, if not contiguous to the Willards corporate boundary all parcels between the WWTP and the Town boundary should be included in the growth area.

Map 5-3 shows a "1,200 foot radius" around two facilities, however, the text of the draft Plan does not indicate what this specific radius is for or why it may be important.